

16 August 2016

Mr Allan Barden
Assistant National Secretary
Australian Rail, Tram and Bus Industry Union
Email: abarden@rtbu.org.au



Dear Mr Barden,

Reminder of actions required when persons elected to office

The Australian Electoral Commission has provided the Fair Work Commission (the Commission) a declaration of results for the election [E2016/138] for the Queensland and New South Wales Branches. This letter is a reminder of certain obligations imposed on organisations and on persons elected to office.

A notice must be published on the organisation's website

The organisation or branch must publish on its website a notice that a copy of the report is available from the organisation, branch or the AEC on request. The notice must be kept on the website for a period of at least 3 months (see regulation 141 of the *Fair Work (Registered organisations) Regulations 2009*).

Holders of office required to undertake approved training

Section 154D(1) of the Fair Work (Registered Organisations) Act 2009 (the RO Act) requires the rules of organisations (and branches of organisations) to require each officer with financial management duties to undertake approved training that covers those duties within 6 months after the person begins to hold office. Please ensure that relevant officers undertake approved training within the required timeframe. Please also ensure that all new holders of office are advised of their obligations to make disclosures regarding remuneration, non-cash benefits and material personal interests, the details of which should be provided for in your organisation's rules.

Organisation must notify the Commission of changes

Also, section 233(2) of the RO Act requires that an organisation must notify the Commission **within 35 days of any changes** to the holders of office in the organisation. **If there are no changes a notification is not required.** If the election has resulted in **any changes** to the holders of office, the Australian Rail, Tram and Bus Industry Union must notify the Commission of these changes. In particular, please advise:

1. Person(s) who have ceased to hold office:
 - the name of the office vacated;
 - the date of the change of office holder; and
 - the name of the person vacating the office.
2. Person(s) who have commenced to hold office:
 - the name of the office now held;
 - the date of the change of office holder;
 - the name of the person now holding the office;
 - the postal address of the person (generally the postal address of the organisation); and
 - the occupation of the person now holding the office.

The notification must include a declaration by the Secretary (or other prescribed officer) that the information is a correct statement of the changes made. I have attached a template notification of changes which may assist you. If any change does not apply until a specific date, you don't need to notify until then (e.g. AGM, 1 January, 2nd Monday in March). If you have already lodged this information, please disregard this reminder.

Regards
Michael Moutevelis
Regulatory Compliance Branch

**NOTIFICATION OF CHANGES TO RECORDS (Changes to Records in the Annual Return)
required to be kept in accordance with section 230 *Fair Work (Registered Organisations)
Act 2009* and regulation 147 *Fair Work (Registered Organisations) Regulations 2009***

I, [NAME], being the [OFFICER] of the [ORGANISATION NAME], declare the following:

1. I am authorised to make this declaration.
2. The following is a correct statement of the changes made to the information contained in the records required to be kept by the organisation in accordance with s.230(1)(b), (c), and (d) of the *Fair Work (Registered Organisations) Act 2009*:

[delete all that do not apply]

- On [DATE] the address of the organisation changed to [STREET ADDRESS].¹
- On [DATE] the name and/or address of a branch[es] of the organisation changed to:²
 1. [include OLD name and address and NEW name and address of every branch that has changed]
 2. ...
- A list of changes to offices and the names, postal addresses and occupations of persons holding those offices is attached to this declaration at Annexure A and forms part of this declaration.
- On [DATE] the following branch[es]:³
 - COMMENCED/CEASED operation:
 1. [include name of each new branch]
 2. ...

Signed: [SECRETARY OR OTHER AUTHORISED OFFICER]

Dated: [DATE]

[PLEASE NOTE: This declaration must be submitted to the Fair Work Commission within 35 days of the change. It can be submitted to.]

¹ s.230(1)(d); reg.147(d)

² s.230(1)(d); reg.147(a) & (d)

³ s.230(1)(d); reg.147(b) & (c)

- Changes to Offices and Office Holders in the Organisation and its Branches [*insert as many pages as required*]:

Please note the 35 days begins at the earliest event (for instance when the officer retires) and an organisation may need to notify the events separately if the appointment or election process will take longer than 35 days.

Branch	Date of Change	Name of Office that has changed	Name of <u>Outgoing</u> Office Holder	Reason for change	Name of <u>New</u> Office Holder	Postal Address of <u>New</u> Office Holder (for privacy reasons, we recommend NOT a private address)	Occupation of <u>New</u> Office Holder
<i>National</i>	<i>1.1.2014</i>	<i>Secretary</i>	<i>Full Name</i>	<i>Retiring</i>	<i>Full Name</i>	<i>c/- the Registered Organisation, postal address of Registered Organisation</i>	<i>Paid official</i>
	<i>25.12.2013</i>	<i>President</i>	<i>vacant</i>	<i>Scheduled Election</i>	<i>Full Name</i>	<i>As above</i>	<i>mechanic</i>
...							
<i>NSW</i>	<i>1.1.2014 (resigned) 7.1.2014 (appointed)</i>	<i>President</i>	<i>Full Name</i>	<i>Resignation</i>	<i>Full Name</i>	<i>c/- the Branch, postal address of the Branch</i>	<i>mechanic</i>
		<i>Committee of Management Member</i>	<i>Full Name</i>	<i>Scheduled Election</i>	<i>Full Name</i>	<i>As above</i>	<i>mechanic</i>
		<i>Treasurer</i>	<i>Full Name</i>	<i>Scheduled Election</i>	<i>vacant</i>	<i>vacant</i>	<i>vacant</i>
...							

From: Noopur Madan <Noopur.Madan@aec.gov.au>
Sent: Tuesday, 16 August 2016 12:00 PM
To: Allan Barden (abarden@rtbu.org.au); 'aclaassens@rtbu-nsw.asn.au';
owen.doogan@rtbu.com.au
Cc: Orgs; Industrial Elections
Subject: Post-Election Report for ARTBIU - Vacancy election NSW & QLD branches -
E2016/138 [SEC=UNCLASSIFIED]
Attachments: ARTBIU - Declaration of Results uncontested offices - E2016-138.pdf; Post
Election Report Vacancy Election - E2016-138.pdf

UNCLASSIFIED

Attention: Mr. David Vale, Fair Work Commission

Mr. Allan Barden
Assistant National Secretary
Australian Rail, Tram and Bus Industry Union

Dear Mr. Barden,

Post-Election Report for Australian Rail, Tram & Bus Industry Union (ARTBIU) - Vacancy election E2016/138 NSW & QLD branches

I refer to the above election for Australian Rail, Tram & Bus Industry Union (ARTBIU).

Section 197(1) of the *Fair Work (Registered Organisations) Act 2009* ("the Act") requires the AEC to provide a written report on the conduct of the election to the Fair Work Commission and to the organisation or branch for whom the election was conducted. A copy of the report in relation to this election is attached.

Section 198 of the Act requires that if an organisation or branch is given a post- election Report under Section 197 that identifies a rule that was difficult to interpret or apply, the organisation or branch must, within 30 days, give a written response to the AEC on that aspect of the report. The response must specify whether the organisation or branch intends to take any action in relation to the rule, and if so, what action it intends to take.

If the attached report identifies a rule that was difficult to interpret or apply, you should forward your response to the AEC by email to 'industrial.elections@aec.gov.au' within thirty days of the date of the report.

Section 198 and the regulations also require an organisation to make the Post Election Report and the organisation's response to the report (if applicable) available to members.

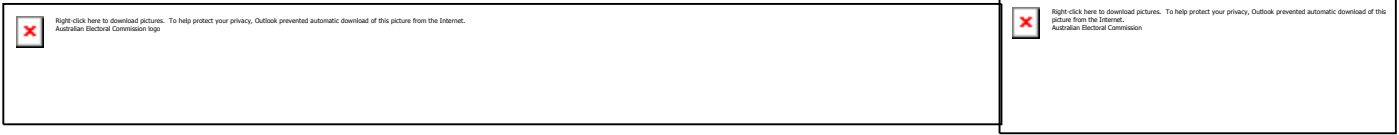
Further, Regulation 141(4) of the *Fair Work (Registered Organisations) Regulations 2009* requires an organisation or branch to publish a notice on its website advising members that a copy of the Post Election Report is available upon request. If a website is not available, publishing a notice in a journal or newsletter would be considered appropriate.

Please contact me if you wish to clarify any aspect of this report.

Thanks

Regards

Noopur Madan | Returning Officer
Industrial & Commercial Elections | NSW State Office
Australian Electoral Commission
T: (02) 9375 6321 | F: (02) 6215 9910



UNCLASSIFIED

DISCLAIMER:

If you have received this transmission in error please notify us immediately by return email and delete all copies. If this email or any attachments have been sent to you in error, that error does not constitute waiver of any confidentiality, privilege or copyright in respect of information in the email or attachments.

Australian Rail, Tram and Bus Industry Union Vacancies QLD and NSW Branches

Declaration of Results for Uncontested Offices

E2016/138

Below are the results of the election for the following offices, conducted in accordance with the provisions of the *Fair Work (Registered Organisations) Act 2009* and the rules of the organisation.

QUEENSLAND BRANCH

Tram and Bus Division

Sub-Divisional Representative to Branch Divisional Committee - Bowen Hills Depot (Eagle Farm)

Candidates

ANDERSON, Glenn

NEW SOUTH WALES BRANCH

**Rail Operations Division
Station Wages Staff - Sub-Division (excluding guards)**

Branch Sub-Division Vice-President

Candidates

WARDLE, Stephen

**Tram and Bus Division
Brookvale Depot**

Sub-Divisional Representative on Branch Divisional Committees

Candidates

TURIK, Frank

As the number of nominations accepted did not exceed the number of positions to be filled, I declare the above candidates elected.



Noopur Madan
Returning Officer

15 August 2016



Fair Work (Registered Organisations) Act 2009
POST ELECTION REPORT
Australian Rail, Tram & Bus Industry Union

ELECTION/S COVERED IN THIS REPORT

Election Decision No/s: E2016/138

RULES

Rules used for the election: [139V: - Incorporates alterations of 30/11/2015 in matter R2015/243]

Rules difficult to apply/interpret: Nil

Model Rule reference (if any): N/A

ROLL OF VOTERS

As there was no ballot roll of voters was not used

IRREGULARITIES

Details of written allegations of irregularities, and action taken by AEC: Nil

Other irregularities identified, and action taken: Nil

ATTACHMENTS

1. Declaration of results for uncontested offices E2016/138



Noopur Madan
Returning Officer

16 August 2016



DECISION

Fair Work (Registered Organisations) Act 2009
s.189—Arrangement for conduct of an election

Australian Rail, Tram and Bus Industry Union (E2016/138)

MR ENRIGHT

MELBOURNE, 20 MAY 2016

Arrangement for conduct of election.

[1] On 6 May 2016, the Australian Rail, Tram and Bus Industry Union lodged with the Fair Work Commission the prescribed information in relation to a casual vacancy election, for the remainder of the term, for the following offices and non-office position:

Queensland Branch

Tram and Bus Division

Sub-Divisional Representative on Divisional Committee - Bowen Hills (Eagle Farm) Depot (1)

New South Wales Branch

Tram and Bus Division

Sub-Divisional Representative on Divisional Committee – Brookvale Depot (1)

Rail Operations Division

Station Wages Staff Sub-Division (excluding Guards) Vice President (1)

[2] I am satisfied that an election for the abovenamed offices and non-office position is required to be held under the rules of the organisation and, under subsection 189(3) of the *Fair Work (Registered Organisations) Act 2009*, I am making arrangements for the conduct of the election by the Australian Electoral Commission.



DELEGATE OF THE GENERAL MANAGER

Printed by authority of the Commonwealth Government Printer

<Price code A, PR580407>

From: Allan Barden <abarden@rtbu.org.au>
Sent: Friday, 6 May 2016 10:53 AM
To: Orgs
Subject: Request for Conduct of Elections
Attachments: FWC re Request for Elections, QLD and NSW May 2016.pdf

To The General Manager
Fair Work Commission
Terrace Tower
80 William St.
East Sydney
NSW 2011

Subject:- Request for Conduct Of Elections in accordance with s182 and s187 of the Fair Work (Registered Organisations) Act 2009.

Dear Sir,

Please find attached the Australian Rail, Tram and Bus Industry Union's request for the conduct of elections in accordance with the Fair Work (Registered Organisations) Act 2009.

I have also informed the The Australian Electoral Commission of our request.

Regards,



Allan Barden Assistant National Secretary

Rail, Tram & Bus Union Australia **The Power of Union**
Office: Lvl 2, Trades Hall, 4-10 Goulburn Street, Sydney NSW 2000
Phone: 02 8203 6099 Fax: 02 9319 2086

This document and any following pages may contain personal information and is intended solely for the named addressee. It is confidential and may be subject to legal or other professional privilege. Views or opinions contained in this document are those of the individual sender and are not necessarily the opinions of the R.T.B.U. Any confidentiality or privilege is not waived or lost because this document has been sent to you by mistake. The copying or distribution of this document or any information in it by anyone other than the addressee is prohibited. If you have received this document in error please let the sender know by telephone (02 8203 6099) and then destroy the email and attachments. Any personal information in this document must be handled in accordance with the Privacy Act 1988(Cth).

Whilst we have virus scanning software devices on our computers we do not represent that this communication is free from all Viruses or defects. It is the responsibility of the person opening any files attached to this communication to scan those files for computer viruses.



RTBU

6th May 2016
To The General Manager
Fair Work Commission
Terrace Tower
80 William St.
East Sydney,
NSW 2011

Subject:- **Elections for Vacant Office and Vacant Position**

Dear General Manager,

I have received a request from the Queensland and New South Wales Branches, of the need for elections for offices and positions (the meaning of office and position as set out in Section 9 of the Fair Work (Registered Organisation) Act 2009) as set out below:-

OFFICES

1 Queensland Branch, Tram and Bus Division, Eagle Farm Depot Sub Divisional Representative on Branch Divisional Committee.

The delegate was a successful candidate from the recently held elections (E2014/172) has resigned due to personal reasons.

1 New South Wales Branch, Tram and Bus Division, Brookvale Depot Sub Divisional Representative on Branch Divisional Committee.

The delegate was a successful candidate from the recently held elections (E2014/172) has resigned due to personal reasons

POSITION

1 New South Wales Branch, Rail Operations Division Station Wages Staff (Excluding Guards) Sub Division Vice President.

The delegate was a successful candidate from the recently held elections (E2014/172) has resigned due to personal reasons

Rail, Tram & Bus Union Australia **The Power of Union**

Office: Level 2, Trades Hall, 4-10 Goulburn Street, Sydney NSW 2000

Phone: 02 8203 6099 **Fax:** 02 9319 2096



RTBU

I refer to Rule 78(2) of the ARTBIU Rules; ***Where a casual vacancy occurs in relation to any Office within the Union and where the unexpired portion of a four year term of Office is more than twenty four months or where the unexpired portion of a two year term of Office is more than 12 months, a ballot shall be held to fill the Office in accordance with the provisions of this Part and the person or persons duly elected shall take office on and from the date of the declaration of the ballot***

Therefore in accordance with Sections 182 and 187 of the *Fair Work (Registered Organisations) Act 2009*, I am requesting that you arrange for the conduct of the election of office-holders and positions for the Australian Rail, Tram and Bus Industry Union (RTBU) for the aforementioned offices and positions.

The Prescribed Forms in accordance with Reg 138 are in Attachment A, the relevant correspondence detailing the resignations and request for elections are in Attachment B and Rule 70 of the ARTBIU rules detailing election processes is on Attachment C.

Further, I have also advised the AEC of this request.

I can be contacted on (02) 8203 6099 or by email abarden@rtbu.org.au if you have any further queries

Yours Sincerely,

Allan Barden
Assistant National Secretary
Australian Rail, Tram and Bus Industry Union.

Rail, Tram & Bus Union Australia **The Power of Union**

Office: Level 2, Trades Hall, 4-10 Goulburn Street, Sydney NSW 2000

Phone: 02 8203 6099 **Fax:** 02 9319 2096

ATTACHMENT A

STATEMENT/ APPLICATION FOR ELECTION UNDER s189

I, Allan Barden, Assistant National Secretary of the Australian Rail, Tram and Bus Industry Union, request the General Manager, FWA, to arrange for the conduct of an election by the AEC. The prescribed information in accordance with regulation 138 is lodged under subsection 189 of the Fair Work (Registered Organisations) Act 2009 and is set out below.

1. The position for which an election is required is for **1 Queensland Branch Tram and Bus Division, Eagle Farm Depot Sub Divisional Representative on Branch Divisional Committee.**

2. The reason for the election is that an incumbent to the aforementioned position has resigned (see attached documentation), and in accordance with Rule 78 (2) - Casual Vacancy of the Australian Rail, Tram and Bus Industry Union Federally registered Rules, an election is required for this now vacant position. Rule 78(2) states:-

“ Where a casual vacancy occurs in relation to any Office within the Union and where the unexpired portion of a four year term of Office is more than twenty four months or where the unexpired portion of a two year term of Office is more than 12 months, a ballot shall be held to fill the Office in accordance with the provisions of this Part and the person or persons duly elected shall take office on and from the date of the declaration of the ballot”

3. Eligibility and Electorate

Whole of the membership of the Queensland Branch, Tram and Bus Division, Eagle Farm Depot Sub Division.

4. The date and time of the beginning and end of the period in which nominations of candidates may be made for a casual vacancy is not defined in Rule 78(2) – Casual Vacancies, however the criteria for General Elections is set out in Rule 70 (see attached rule 70) and specifically for the Tram and Bus Division, Rule 75.

5. The kind of voting system to be used is outlined in Rule 75.

I am an officer of the organisation authorised to make and sign the above statement.

Signed 

Dated 6/5/2016

STATEMENT/ APPLICATION FOR ELECTION UNDER s189

I, Allan Barden, Assistant National Secretary of the Australian Rail, Tram and Bus Industry Union, request the General Manager, FWA, to arrange for the conduct of an election by the AEC. The prescribed information in accordance with regulation 138 is lodged under subsection 189 of the Fair Work (Registered Organisations) Act 2009 and is set out below.

1. The position for which an election is required is for **1 New South Wales Branch Tram and Bus Division, Brookvale Depot Sub Divisional Representative on Branch Divisional Committee.**

2. The reason for the election is that an incumbent to the aforementioned position has resigned (see attached documentation), and in accordance with Rule 78 (2) - Casual Vacancy of the Australian Rail, Tram and Bus Industry Union Federally registered Rules, an election is required for this now vacant position. Rule 78(2) states:-

“ Where a casual vacancy occurs in relation to any Office within the Union and where the unexpired portion of a four year term of Office is more than twenty four months or where the unexpired portion of a two year term of Office is more than 12 months, a ballot shall be held to fill the Office in accordance with the provisions of this Part and the person or persons duly elected shall take office on and from the date of the declaration of the ballot”

3. Eligibility and Electorate

Whole of the membership of the New South Wales Branch, Tram and Bus Division, Brookvale Depot Sub Division.

4. The date and time of the beginning and end of the period in which nominations of candidates may be made for a casual vacancy is not defined in Rule 78(2) – Casual Vacancies, however the criteria for General Elections is set out in Rule 70 (see attached rule 70) and specifically for the Tram and Bus Division, Rule 75.

5. The kind of voting system to be used is the optional preferential method, as outlined in the following rule 105(2).

105 - METHOD OF VOTING

(1) Except as provided in Sub-Rule 105(2), the method of voting for Branch Offices in New South Wales shall be optional preferential.

Accordingly, voters shall express their preference by placing numbers against the names of the candidates on the ballot paper with the number one indicating the highest preference, the number two indicating the second highest preference and so on.

A voter has the option of whether to place a number against the name of each candidate or whether to place a number against the name or names of only some of them.

A mark other than a number shall be regarded as a valid vote provided that the Returning Officer is of the view that the ballot paper clearly indicates the voter's preference.

(2) The method of voting for Branch Offices which represent members within the Branch Tram and Bus Division only shall be first past the post

I am an officer of the organisation authorised to make and sign the above statement.

Signed 

Dated 6/5/2016

STATEMENT/ APPLICATION FOR ELECTION UNDER s187

I, Allan Barden, Assistant National Secretary of the Australian Rail, Tram and Bus Industry Union, request the General Manager, FWA, to arrange for the conduct of an election by the AEC. The prescribed information in accordance with regulation 138 is lodged under subsection 187 of the Fair Work (Registered Organisations) Act 2009 and is set out below.

1. The position for which an election is required is for **1 New South Wales Branch Rail Operations Division, Station Wages Staff (excluding Guards) Sub Division, Vice President.**

2. The reason for the election is that an incumbent to the aforementioned position has resigned (see attached documentation), and in accordance with Rule 78 (2) - Casual Vacancy of the Australian Rail, Tram and Bus Industry Union Federally registered Rules, an election is required for this now vacant position. Rule 78(2) states:-

“ Where a casual vacancy occurs in relation to any Office within the Union and where the unexpired portion of a four year term of Office is more than twenty four months or where the unexpired portion of a two year term of Office is more than 12 months, a ballot shall be held to fill the Office in accordance with the provisions of this Part and the person or persons duly elected shall take office on and from the date of the declaration of the ballot”

3. Eligibility and Electorate

Whole of the membership of the New South Wales Branch, Rail Operations Division- Station Wages Staff (Excluding Guards) Sub Division.

4. The date and time of the beginning and end of the period in which nominations of candidates may be made for a casual vacancy is not defined in Rule 78(2) – Casual Vacancies, however the criteria for General Elections is set out in Rule 70 (see attached rule 70.)

5. The kind of voting system to be used is the optional preferential method, as outlined in the following rule 105(1).

105 - METHOD OF VOTING

(1) Except as provided in Sub-Rule 105(2), the method of voting for Branch Offices in New South Wales shall be optional preferential.

Accordingly, voters shall express their preference by placing numbers against the names of the candidates on the ballot paper with the number one indicating the highest preference, the number two indicating the second highest preference and so on.

A voter has the option of whether to place a number against the name of each candidate or whether to place a number against the name or names of only some of them.

A mark other than a number shall be regarded as a valid vote provided that the Returning Officer is of the view that the ballot paper clearly indicates the voter's preference.

(2) The method of voting for Branch Offices which represent members within the Branch Tram and Bus Division only shall be first past the post

I am an officer of the organisation authorised to make and sign the above statement.

Signed



Dated

6/5/2016

ATTACHMENT B

Subject: :Resignation - Office of Delegate for Tram & Bus Division Eagle Farm (Bowen Hills)

Date: Friday, 6 May 2016 at 10:23:23 AM Australian Eastern Standard Time

From: Allan Barden

On 7/04/2016, 3:44 PM, "Annie Humphries" <annie.humphries@rtbu.com.au> wrote:

Hi Allan

This is to advise that Simon Watson has resigned his position as Eagle Farm Delegate, Tram & Bus Division.

Kind regards

Annie Humphries
PA to Owen Doogan





AC:DT

30th March 2016

Mr A Barden
Assistant National Secretary
Rail, Tram and Bus Union
Suite 210, Level 2, 4 Goulburn Street
SYDNEY NSW 2000

Dear Allan,

Re: Request for Election to Fill Vacant Position

Please find attached resignation from elected delegate Edward Robinson and as such it would be appreciated if processes could be commenced for an election to be conducted to fill the vacant position.

Bus and Tram Division
Sub-Divisional Representative on Branch Divisional
Committee - Brookvale

Yours fraternally

ALEX CLAASSENS
BRANCH SECRETARY

Level 4, 321 Pitt Street
Sydney NSW 2000

Tel (02) 9264 2511
Fax (02) 9264 1342

E-mail
nswho@rtbu-nsw.asn.au
Website
www.rtbuexpress.com.au

NEWCASTLE OFFICE

33 Gordon Avenue
Hamilton NSW 2303

Tel (02) 4961 4311
Fax (02) 4961 4779

Email
newcastle@rtbu-nsw.asn.au

WOLLONGONG OFFICE

Level 1, 306A Crown Street
Wollongong NSW 2500

Tel (02) 4227 5798
Fax (02) 4226 5262

Email
wollongong@rtbu-nsw.asn.au



AC/HB

26th April 2016

Mr A Barden
Assistant National Secretary
Rail, Tram and Bus Union
Suite 210, Level 2, 4 Goulburn Street
SYDNEY NSW 2000

Dear Allan,

Re: Request for Election to Fill Vacant Position

Please find attached resignation from elected delegate Kath Arnold and as such it would be appreciated if processes could be commenced for an election to be conducted to fill the vacant position.

Rail Operations Division

Station Wages Staff Sub-Division (excluding Guards)
Sub-Division Vice-President

Yours fraternally,

ALEX CLAASSENS
BRANCH SECRETARY

Level 4, 321 Pitt Street
Sydney NSW 2000

Tel (02) 9264 2511
Fax (02) 9264 1342

E-mail
nswho@rtbu-nsw.asn.au
Website
www.rtbuexpress.com.au

NEWCASTLE OFFICE

33 Gordon Avenue
Hamilton NSW 2303

Tel (02) 4961 4311
Fax (02) 4961 4779

Email
newcastle@rtbu-nsw.asn.au

WOLLONGONG OFFICE

Level 1, 306A Crown Street
Wollongong NSW 2500

Tel (02) 4227 5798
Fax (02) 4226 5262

Email
wollongong@rtbu-nsw.asn.au

ATTACHMENT C

PART VIII - ELECTIONS

70 - ELECTIONS FOR OFFICES

Elections for all Offices within the Union shall take place in accordance with the provisions of this Part.

71 - ELECTION TIMETABLE AND ASSUMPTION OF OFFICE

- (1) Except as provided in Sub-Rule 71(3), the timetable for elections within the Union, other than elections to fill a casual vacancy, shall be as follows:-
 - (i) For the conduct of the 2014 elections, nominations shall open at 9:00am on the first Monday in September 2014 and shall close at 5:00pm on the fourth Monday in September 2014. If a ballot is necessary, the ballot shall commence at 9:00am on the first Monday in November 2014 and shall conclude at 5:00pm on the fourth Monday in November 2014.
 - (ii) nominations shall open at 9.00am on the first Monday in July of an election year and shall close at 5.00pm on the fourth Monday in July in that year.
 - (iii) where a ballot is necessary, the ballot shall commence at 9.00am on the first Monday in September of an election year and shall conclude at 5.00pm on the fourth Monday in September of that year.

Provided that the National Executive may, in the case of elections for National Offices, and a Branch Council may, in the case of elections for Branch Offices, vary this timetable in exceptional circumstances.

- (2) The ballot shall be declared as soon as practicable after the counting of the votes. Successful candidates shall take office on and from the declaration of the ballot.
- (3) Where an Office is to be filled through a collegiate election under these Rules, the election shall take place at the first meeting of the electoral college following elections for the members of the college. The ballot shall be declared at that meeting and the successful candidate shall take office forthwith.
- (4) For the election of the President, Vice President and Junior Vice President of the Tram and Bus Division of the Queensland Branch, the nominations will be called one week from the declaration of the poll for Sub Divisional Representatives. Nominations will close one week after they are called. One week will be allowed for withdrawal of nominations and a ballot will occur within fourteen (14) days after withdrawal of nominations closing.

72 - RETURNING OFFICERS

- (1) The National Council shall appoint a National Returning Officer who shall, subject to any statutory provision regarding the conduct of elections, conduct all National elections and ballots.
- (2) The National Council may appoint an Assistant Returning Officer or Officers to assist the National Returning Officer.

- (3) A Branch Council shall appoint a Branch Returning Officer who shall, subject to any statutory provision regarding the conduct of elections, conduct all Branch elections and ballots.
- (4) A Branch Council shall appoint an Assistant Branch Returning Officer or Officers to assist the Branch Returning Officer.
- (5) The National and the Branch Returning Officers and Assistant Returning Officers shall not be Office Bearers within or employees of the Union.

73 - ELECTION PROCEDURES

Except where otherwise provided in these Rules, elections within the Union shall be conducted in accordance with the following procedures:-

- (i) The Returning Officer shall call for nominations at least three weeks before the date on which nominations open by a notice published in a union journal or by circulars addressed to members or by the insertion of an advertisement in a newspaper or newspapers circulating throughout the electorate. Such notices shall specify the date on which nominations will open and will close, the dates upon which the ballot will open and will close, the manner in which nominations can be made and the eligibility requirements for nomination. Where the office or offices for which elections are held are paid positions, the notice shall specify the location, duties and responsibilities of the Office.
- (ii) Nominations shall be in writing and shall be signed by the nominee.
- (iii) If the Returning Officer finds that a nomination is defective, he/she shall, before rejecting the nomination, notify the person concerned of the defect and where it is practicable to do so, give him or her the opportunity of remedying the defect within not less than seven days but not more than ten days after he or she has been notified.
- (iv) A member nominating for any office may withdraw his/her nomination by advising the Returning Officer in writing at any time after the opening date for receipt of nominations but not later than ten days after the closing date for the receipt of nominations.
- (v) A candidate in any election shall be entitled to appoint, by notice in writing to the Returning Officer, another person to act at his/her own expense as a scrutineer on his/her behalf. Such scrutineer shall be entitled to be present at all stages of the ballot and may draw the attention of the Returning Officer to any complaint which he/she has regarding the ballot, but he/she shall not interfere in the counting of the ballot or handle any ballot paper or ballot envelope without the permission of the Returning Officer. The Returning Officer shall, if requested by any scrutineer, inform the scrutineer of the times and places at which the various stages of the ballot will be conducted.
- (vi) Except in the case of Offices which represent members in the Tram and Bus Division only, a candidate in an election shall be entitled to support his/her

candidature in National and Branch Journals and may submit articles for this purpose.

- (vii) If the number of nominations does not exceed the number of vacancies, the Returning Officer shall declare the nominee(s) duly elected. Nominees declared duly elected shall not, however, take Office until the day following the date on which a ballot would have concluded pursuant to the provisions of Rule 71.

- (viii) If the number of nominations exceeds the number of vacancies, a secret postal ballot of all financial members within the relevant electorate, shall be held.
- (ix) Where a ballot is necessary, the Returning Officer shall cause to be printed ballot papers which are oblong in shape and show the name, classification and work location of each candidate. All ballot papers shall be printed bearing the signature of the Returning Officer imposed on a facsimile of the Union's Seal. No vote shall be valid unless the ballot paper bears the signature of the Returning Officer imposed upon a facsimile of the Union's Seal. The names of the candidates shall appear on the ballot paper as decided by lot. One ballot paper may contain provision for voting in respect of more than one election.
- (x) The Returning Officer shall also cause to be printed declaration envelopes marked "Ballot Paper" and other prepaid envelopes bearing the address of the Returning Officer. Both the declaration envelopes and the prepaid envelopes shall comply with the forms prescribed by the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003. In addition, the removable flap or label shall also have printed on it a number corresponding to a number appearing opposite the financial member's name on the list of voters.
- (xi) The Returning Officer shall prepare or cause to be prepared a voters' roll containing the name and last known postal address including postcode of each and every member within the electorate, who is a financial member on the day the roll of voters closes. The voters' roll shall close seven (7) days before the date the nominations open. The closing of the roll of voters is not to be taken to prevent the correction of errors in the roll after that day up to but not extending beyond a date seven days prior to the commencing date for the conduct of the ballot.
- (xii) The Returning Officer shall keep a record of the number of ballot papers printed, the number issued by him/her and the number used and unused and, in his/her written declaration of the poll, shall account for every ballot paper printed.
- (xiii) The Returning Officer shall issue by pre-paid post to each financial member within the electorate, a Ballot Paper as specified, together with a declaration envelope marked "Ballot Paper" suitable for containing the Ballot Paper and supply therewith to each voter a pre-paid envelope addressed to the Returning Officer.
- (xiv) The Returning Officer shall arrange for a post office box to which ballot papers may be forwarded and shall arrange, so far as is possible, that such post office box is not able to be accessed by persons other than himself/herself (post office staff excepted).
- (xv) The Returning Officer shall instruct each voter in the manner in which a vote is to be recorded on the ballot paper.

- (xvi) The voter shall, on receipt of the ballot paper, record his/her vote, enclose the ballot paper in the envelope marked "Ballot Paper", seal the envelope, sign the declaration on the removable flap or label in the place provided and insert it in the prepaid envelope bearing the address of the Returning Officer and thereafter forward it by post to the Returning Officer.

- (xvii) The Returning Officer shall, after the closing date for the ballot, collect the envelopes containing the ballot papers from the post office box. He/she shall check the details and declaration on the removable flap or label with the voters' roll to ensure that no votes are cast except by those entitled to do so and that no voter has cast more votes than he/she is

entitled to. He/she shall then remove the declaration envelopes marked “Ballot Paper” from the outside envelopes.

- (xviii) The Returning Officer shall remove the removable flap or label from the declaration envelope marked “Ballot Paper” before removing the ballot papers. He/she shall admit the ballot papers properly marked and count those ballot papers.
- (xix) Where more than one candidate receive the same number of votes, the Returning Officer shall determine the successful candidate by lot provided that the candidates agree. In the event that the candidates do not agree then a further ballot shall be held in accordance with these Rules.
- (xx) When the counting of the ballot is completed, the Returning Officer shall cause all envelopes, ballot papers, lists and other documents relating to the election to be filed and preserved at the registered office of the Union or the office of the Branch, as the case may be, for a period of one year after completion of the election.
- (xxi) The Returning Officer shall declare the result of the ballot as soon as practicable following the completion of the count.
- (xxii) The Returning Officer shall have the power to call fresh elections in the event of irregularities being discovered in relation to the ballot or for any other reason which affects the legality of the election result.
- (xxiii) Where no nominations are received for any position the Returning Officer shall by notice in writing to the members call for nominations for that position within 7 days of the declaration of the ballot. A further election shall be held for that position and as far as is practicable the provisions of this Rule shall apply.

74 - METHOD OF VOTING

Except as provided Parts X to XVI of these Rules, the method of voting for National and Branch Offices shall be first past the post. Accordingly, voters shall place a cross in each square of the ballot paper opposite the name(s) of the candidate(s) of his/her choice up to but not exceeding the number of candidates required to be elected. A mark other than a cross shall be regarded as a valid vote provided that the Returning Officer is of the view that the ballot paper clearly indicates the voter's intention. Where the number of candidates to be elected exceeds one, a vote shall be valid notwithstanding that the voter does not exercise his/her right to cast his/her vote for the total number of candidates to be elected.

75 - ELECTION PROCEDURES: TRAM AND BUS DIVISION

- (1) All voting for National or Branch Offices which represent members within the Tram and Bus Division only, shall be by attendance ballot.

- (2) Elections for National or Branch Offices which represent members within the Tram and Bus Division only, shall be conducted in accordance with the timetable specified in Rule 71 with the necessary changes being made and be conducted by the National or Branch Returning Officers appointed pursuant to Rule 72. In addition, the provisions of Rule 73, with the exception of paragraphs (viii), (x), (xiii), (xiv), (xvi), (xvii) and (xviii), shall apply to such elections.

Members shall be notified by printed circulars setting out all positions for which an election is to be conducted by the Returning Officer. Such circulars to be posted in all work centres e.g. Depots, Sheds, Offices, Departments etc. where the Division members are employed. These circulars shall be displayed for at least three weeks prior to the closing of nominations.

- (3) If the number of nominations exceeds the number of vacancies, the Returning Officer shall arrange for a secret ballot to be held of all financial members within the relevant electorate. Such ballot shall be conducted by the Returning Officer over two days within the State of Victoria and over one day within other States within the ballot period specified in Rule 71 and the Returning Officer shall ensure that all members are advised of the time and place at which they may cast their votes.

For the conduct of the 2014 Elections - The ballot of financial members of the Division shall be held on the same day/days. Where the ballot is held on one day the ballot must be held on the Thursday of the third full week in November 2014. Where the ballot is held over two days the ballot must be held on the Wednesday and Thursday of the third full week of November 2014. The time(s) for polling shall be 7.00 a.m. to 4.30 p.m. on the day(s) of the ballot. Members shall be notified by printed circular of the time and date(s) of polling, circulars to be posted in all work centres.

The ballot of financial members of the Division shall be held on the same day/days. Where the ballot is held on one day the ballot must be held on the Thursday of the third full week in September. Where the ballot is held over two days the ballot must be held on the Wednesday and Thursday of the third full week of September. The time(s) for polling shall be 7.00 a.m. to 4.30 p.m. on the day(s) of the ballot. Members shall be notified by printed circular of the time and date(s) of polling, circulars to be posted in all work centres.

- (4) Any member who satisfies the Returning Officer that he/she will be unable to vote personally on the day fixed for the ballot, shall be provided with a postal ballot and the provision and processing of such postal ballot shall be in accordance with paragraphs (x), (xiii), (xiv), (xv), (xvi), (xvii) and (xviii) of Rule 73.
- (5) Except in the case of absent voting pursuant to the provisions of Sub-Rule 75(5), ballots covered by this Rule shall be in accordance with the following provisions:-
 - (i) Ballots shall be conducted in a room or marquee or other suitable place that will ensure suitable voter privacy;
 - (ii) An Assistant Returning Officer appointed pursuant to Rule 72 shall be in attendance at such polling place and shall ensure that members entitled to vote are afforded an adequate opportunity of voting without intimidation;

- (iii) A voter's roll shall be provided at each polling place and the Assistant Returning Officer shall ensure that a record of each member voting is duly made on the roll.

As soon as practicable after the date determined for the commencement of issuing ballot papers in respect of an election, the Returning Officer shall deliver to each Assistant Returning Officer sufficient ballot papers for each person whose name appears on the roll of voters for the relevant work centre.

At the end of each day's voting the Returning Officer shall check with the Assistant Returning Officer the number of ballot papers issued with the voters roll to ensure

that no votes are cast except by those entitled to do so and that no voter has cast more votes than he/she is entitled to;

- (iv) Sealed and locked ballot boxes must be used at the conclusion of the ballot and all boxes must be transported personally by the Assistant Returning Officer in charge of the particular booth to the custody of the Returning Officer;
- (v) Once a voter has marked his/her ballot paper, he/she shall deposit such ballot paper in the ballot box in the presence of the Assistant Returning Officer;
- (vi) The Returning Officer shall after the closing of the ballot, collect the envelopes containing the absentee ballot papers from the post office box in time for them to be counted together with the votes cast at the various work centres. Each Assistant Returning Officer shall provide the Returning Officer with a Declaration which will show:-
 - (a) the number of ballot papers received;
 - (b) the number of ballot papers issued (other than duplicate ballot papers); and
 - (c) the number of duplicate ballot papers issued.

Upon return of the ballot boxes to the Returning Officer, the Returning Officer shall supervise and monitor the removal of the ballot papers from the ballot box, the admission of those ballot papers which are properly marked and the counting of those ballot papers by the Assistant Returning Officers;

- (vii) The Returning Officer shall declare the result of the ballot as soon as practicable following the completion of the count.

76 - COLLEGIATE ELECTIONS

- (1) Collegiate elections shall be conducted by the National or Branch Returning Officer and shall be by secret ballot undertaken at a meeting of the relevant Governing Body which constitutes the electoral college.
- (2) The following provisions shall apply to collegiate elections:-
 - (i) Nominations shall be called by notice sent by the Returning Officer to the postal address of each member of the Governing Body eligible to nominate, at least thirty days prior to the meeting at which the ballot is to occur;
 - (ii) Nominations shall close at 12.00 noon on the first day of the scheduled meeting of the Governing Body;

- (iii) The provisions of paragraphs (ii) and (iii) of Rule 73 shall apply to nominations for collegiate elections;
- (iv) Any member nominating may withdraw his/her nomination by advising the Returning Officer in writing at any time up to the close of nominations;
- (v) deleted

- (vi) If the number of nominations does not exceed the number of vacancies, the Returning Officer shall declare the nominees duly elected;
- (vii) If the number of nominations exceeds the number of vacancies, a secret ballot of the members, or the proxy of a member as per Rule 67, of the Governing Body entitled to vote shall be held during the course of the afternoon on the first day of the meeting of such Governing Body;
- (viii) The method of voting shall be as prescribed in Rule 74;
- (ix) In addition to the provisions specified elsewhere in this Rule, the provisions of paragraphs (v), (xix), (xx), (xxi) and (xxii) of Rule 73 shall apply to collegiate elections.

77 - NOMINATION FOR MORE THAN ONE OFFICE

Where two Offices cannot be held simultaneously under these Rules then a person may not nominate for both Offices. Where a person does so nominate, he/she shall be required by the Returning Officer to elect which of the Offices he/she wishes to nominate for. Where a person declines or otherwise fails to so elect, then he/she shall be deemed to have nominated for that Office having the highest ranking in the order of preference shown in Sub-Rule 31(1) and in the Rules specifying Branch Offices in Parts X to XVI of these Rules, with National Offices ranking ahead of Branch Offices.

78 - CASUAL VACANCIES

- (1) A casual vacancy occurs when an Office Bearer dies, resigns or is removed from office or ceases to hold office in accordance with these Rules.
- (2) Where a casual vacancy occurs in relation to any Office within the Union and where the unexpired portion of a four year term of Office is more than twenty four months or where the unexpired portion of a two year term of Office is more than 12 months, a ballot shall be held to fill the Office in accordance with the provisions of this Part and the person or persons duly elected shall take office on and from the date of the declaration of the ballot.
- (3) Where an election is to be held pursuant to the provisions of Sub-Rule 78(2), the National Council in the case of a National Office or the Branch Council in the case of a Branch Office, may appoint a person to fill the vacant Office pending the declaration of the ballot.
- (4) Except as provided in sub-rule (2), the National Council, in the case of National Office Bearers and the Branch Council in the case of Branch Office Bearers may appoint a person to fill a casual vacancy.

- (5) Where a person is elected under Sub-Rule 78(2) or appointed under Sub-Rule 78(4) to fill a casual vacancy, then he/she shall hold office for the unexpired portion of the term.
- (6) Notwithstanding anything elsewhere contained in this Rule, where an appointment is made pursuant to the provisions of Sub-Rules 78(3) or (4) in relation to an Office which, under these Rules, is to be filled on the basis of an order of seniority, then any appointment to a casual vacancy shall be in accordance with that order of seniority.

79 - TEMPORARY APPOINTMENTS

- (1) Subject to Sub-Rule 79(2) and (3), where by reason of illness, absence on leave or any other reason, an Office Bearer is unable to fulfil the duties of his/her Office for a period exceeding six weeks, then the National Executive in the case of National Office Bearers and the Branch Executive in the case of Branch Office Bearers, may appoint an Office Bearer to act in the Office for the duration of the absence with such appointee having all the rights and duties of the particular Office.
- (2) In the case of the National President and the National Secretary, a National Vice- President and the Assistant National Secretary or an Assistant National Secretary (Divisional) respectively shall act in the Office pursuant to the provisions of Rules 37 and 38A. In the case of the Branch President and the Branch Secretary, a Branch Vice-President and the Assistant Branch Secretary respectively, shall act in the Office pursuant to the provisions of Rule 53 and 55.
- (3) In the case of the Assistant National Secretary, an Assistant National Secretary (Divisional) shall act in the office pursuant to the provisions of Rule 38A.